

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARLTON S. ESTES,)	
)	
Plaintiff,)	
)	Civil Action No. 3:23-120
v.)	Judge Nora Barry Fischer
)	Magistrate Judge Keith Pesto
HOUSING AUTHORITY, et al.,)	
)	
Defendants.)	
)	

ORDER OF COURT

AND NOW, this 20th day of December, 2024, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith Pesto on June 13, 2023, (Docket No. 7), recommending that after screening Plaintiff Carlton S. Estes' Complaint under the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2), that the Complaint be dismissed, as he failed to state a claim for relief against any state actors arising out of events where he was allegedly assaulted at an apartment complex due to negligence of the housing authority and lack of security, that leave to amend any federal claims be denied, as futile, and that the Court decline to exercise supplemental jurisdiction over any state law tort claims and dismiss them, without prejudice, (Docket No. 7), and the Magistrate Judge having ordered that any objections were to be filed within 14 days, such that objections by non-ECF users were due by June 30, 2023, and no objections having been filed as of the date of this Order, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff Carlton Estes' Complaint [5] is DISMISSED as follows. Plaintiff's federal claims asserting violations of his civil rights, purportedly under § 1983, are dismissed, with prejudice, and leave to amend is denied, as futile. *See Grayson v. Mayview State Hospital*, 293 F.3d 103 (3d Cir.2002). However, Plaintiff's state law tort claims are dismissed, without prejudice, to Plaintiff refiling such claims in state court as the Court declines to exercise supplemental jurisdiction given the dismissal of the federal claims. *See* 28 U.S.C. § 1367(c);

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Keith Pesto

cc: Carlton S. Estes #23-0231
Crawford County Correctional Facility
2100 Independence Drive
Saegertown, PA 16433
(via first class mail)